

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLIFFORD B. REPOTSKI,
Plaintiff,

v.

MR. JEFFREY SCHMEHL, et al.,
Defendants.

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CIVIL ACTION

NO. 17-4036

ORDER

AND NOW, this 20th day of November, 2017, upon consideration of Mr. Repotski's motion to proceed *in forma pauperis* and *pro se* Complaint, it is ORDERED that:

1. The Clerk of Court is DIRECTED to amend the caption in the matter to reflect that set forth in Mr. Repotski's Complaint (ECF No. 5-1).
2. Leave to proceed *in forma pauperis* is GRANTED.
3. Mr. Repotski's Complaint is DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Mr. Repotski may not file an amended complaint in this case. However, his claim challenging his conviction and sentence is dismissed without prejudice to him filing a new civil action for damages against an appropriate defendant in the event his conviction and sentence are overturned or otherwise called into question.
4. The Clerk of Court shall CLOSE this case.

BY THE COURT:



GENE E.K. PRATTER, J.